



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary CITY COUNCIL

*R. Steve Tumlin, Jr., Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Wednesday, February 10, 2010

7:00 PM

Council Chamber

---

**20100112      Fire Department Class 2 Rating**

Chief Jackie Gibbs accepts recognition for the Marietta Fire Department for obtaining Class 2 Rating from Insurance Services Organization (ISO).

**Presented**

**20100149      Recognition of Outstanding Service**

Recognition of Sergeant Brian Honea, Officer Matthew Parker, Officer Heath Edmondson, Officer Amy Valente, Detective Daniel Ohmann and Detective Shane Merritt for their outstanding efforts and dedication to duty for the events of January 23, 2010.

**Presented**

**20100113      Recognition for Outstanding Service**

Special recognition for Mohammed Ennin, Accountant in the Finance Department for his outstanding efforts in saving the city money through the Alternative Tax Credit program.

**Presented**

\*

**20100108      Regular Meeting - January 13, 2010**

Review and approval of the January 13, 2010 regular meeting minutes.

**Approved and Finalized**

- \*        **20100109**        **Special Meeting - January 27, 2010**  
Review and approval of the January 27, 2010 special meeting minutes.  
**Approved and Finalized**
- \*        **20100141**        **Special Meeting - February 3, 2010**  
Review and approval of the February 3, 2010 special meeting minutes.  
**Approved and Finalized**
- \*        **20100114**        **Ethics Committee Mayor Appointment**  
Reappointment of Warren Herron to the Ethics Committee for a term of two years expiring on March 10, 2012.  
**Approved and Finalized**
- 20100163**        **Cobb County Board of Health and Cobb County Community Services Board**  
Appointment of Clark F. Hungerford to the Cobb County Board of Health and Cobb County Community Services Board to fill the unexpired term of Wyman Pilcher, expiring on December 31, 2010.  
**Approved and Finalized**
- \*        **20091498**        **Z2010-01 Marietta Housing Authority 345 Fort Street**  
Z2010-01 [REZONING] MARIETTA HOUSING AUTHORITY request rezoning for property located in Land Lot 12160, District 16, Parcel 0160, 2nd Section, Marietta, Cobb County, Georgia and being known as 345 Fort Street from R-4 (Single Family Residential) to PRD-MF (Planned Residential Development Multi-Family). Ward 5.  
  
Planning Commission recommends approval of zoning to PRD-MF with a variance to reduce the 30' buffer and include a privacy fence and an added stipulation to allow the submitted plan to also satisfy and serve as the Detail Plan.  
  
Vote: 5-0-0  
  
PUBLIC HEARING (all parties are sworn in)  
**Approved and Finalized**

\*        **20100127        436 Powder Springs Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 436 Powder Springs Street.

Listed Owner: JWH Marietta LLC, c/o Rowe Properties

Repeat Violation History: (4) previous cases since November 20, 2007.

Certified mail receipt received January 14, 2010; signature not legible.

Taxes paid: Unpaid; owes \$1,337.79

Ward: 5A

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**Removed**

**20100152        Mayoral Veto**

Any Motion related to the Mayor's veto of the Kennesaw Avenue Historic District Ordinance as presented under file number 20100084.

**No Action Taken**

\*        **20090772        Hansell Street**

Motion to authorize a one way traffic flow eastbound on Hansell Street between Waddell Street and Haynes Street and to authorize removal of the nine public parking spaces along the north side Hansell Street. Further, the deceleration lane shown on the diagram shall be incorporated, as stamped "Received by Public Works January 27, 2010".

**Approved and Finalized**

**20100063        North Marietta Parkway at Cole Street Intersection**

Motion authorizing donation of property to GA Dept of Transportation along North Marietta Pkwy as part of GDOT encroachment permit process for First Landmark Bank.

**Approved and Finalized**

\*        **20091262        2005 SPLOST Priority Schedule**

Motion to approve 2005 SPLOST Project Budget Modifications as shown on attached Project Budget Modification Table dated February 1, 2010.

**Approved and Finalized**

**20091258        Erosion Control Ordinance**

Approval of revisions to the Soil Erosion and Sediment Control Ordinance as required by EPD.

**Approved as Amended**

**20100086        Georgia Transmission Corporation**

Motion approving attached Access Agreement and Stipulations to North Marietta Substation through City of Marietta property.

**Approved as Amended**

**20100065        [V2010-02] Waylon Hoge 2371 Delk Road**

V2010-02 WAYLON HOGE request variances for property located in Land Lot 07980, District 17, Parcel 0140, 2nd Section of Cobb County, Marietta, Georgia and being known as 2371 Delk Road. Variance to allow an off-premise sign for Howard Johnson along the Delk Road frontage, variance to allow an off-premise sign for Howard Johnson along the Powers Ferry Place frontage, variance to increase the maximum height of a sign for a shared commercial space from 15 feet to 30 feet along the Delk Road frontage, variance to increase the maximum area of a sign for a shared commercial space from 90 square feet to 127 square feet along the Delk Road frontage. Variance to increase the maximum area of a sign for a shared commercial space from 30 square feet to 50 square feet along the Powers Ferry Place frontage. Variance to allow the sign structure to exceed 90 s.f. for sign proposed along the Delk Road frontage. Ward 1.

**Approved as Stipulated**

*Motion to approve the following stipulations and variances for property located in LL 07980, 17th District, Parcel 0140, 2nd Section, Marietta, Cobb County, Georgia and being known as 2371 Delk Road:*

- 1. The sign(s) shall be built according to and using the materials shown in the drawings submitted by the applicant. (Exhibit 1-7)*
- 2. Variance to allow an off-premise sign for Howard Johnson along the Delk Road frontage. [714.06(A.11) and 714.14(F)]*
- 3. Variance to allow an off-premise sign for Howard Johnson along the Powers Ferry Place frontage. [714.06(A.11) and 714.04(F)]*
- 4. Variance to increase the maximum height of a sign for a shared commercial space from 15 feet to 25 feet along the Delk Road frontage. [714.04 (Table H)]*
- 5. Variance to increase the maximum area of a sign for a shared commercial space from 90 square feet to a square footage to a number not to exceed 120 square feet along the Delk Road frontage, as determined by staff based upon the drawing submitted by the applicant. Further the not to exceed number shall be determined within one week and entered into the minutes of the meeting. [714.04 (Table H)]*
- 6. Variance to increase the maximum area of a sign for a shared commercial space from 30 square feet to 50 square feet along the Powers Ferry Place frontage. [714.04 (Table H)]*
- 7. Variance to allow the sign structure to exceed 90 square feet for sign proposed along the Delk Road frontage not to exceed 125 square feet.*

**20100066****V2010-03 Larry Watts & Northcutt Investments, LLC 1312 and 1322 Powder Springs Street**

V2010-03 LARRY V. WATTS & NORTHCUTT INVESTMENTS, LLC request a variance for property located in Land Lot 02590, District 19, Parcels 0110 and 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 1312 and 1322 Powder Springs Street. Variance to reduce the requirements of the Tree Protection and Landscaping regulations for planted border areas and variance to modify the buffer requirements on property zoned CRC, Community Retail Commercial. Ward 2.

**Approved as Stipulated**

*Motion to approve the following variances for property located in Land Lot 02590, 19th District, Parcels 0110 and 0580, 2nd Section, Marietta, Cobb County, Georgia and being known as 1312 Powder Springs Street and 1322 Powder Springs Street:*

- 1. Variance to reduce the requirements of the Tree Protection and Landscaping regulations for planted border areas for Tract I, for which one (1) street tree is required area for every 30 lineal feet of roadway within the 10 ft. wide planted*

*border parallel to the roadway. In lieu of planting the three (3) street trees as required, the applicant is granted permission to plant zero (0) trees within the planted border area, but instead the applicant will plant two (2) trees within parking lot islands adjacent to the planted border area. There shall also be three (3) trees planted at the back of the parking lot. [712.08(G)]*

*2. Variance to modify the required improvements to a required buffer on property zoned CRC, Community Retail Commercial, as stipulated in a variance approved by the Board of Zoning Appeals. In lieu of planting four (4) staggered rows of evergreen trees of various sizes on the existing grassy field to create a buffer, the applicant is required to revise the buffer as shown on the Tree Protection/Tree Replacement Plan (TP-1) prepared by Bilson & Associates dated February 9, 2010, showing appropriate spacing for the proposed buffer trees. [708.16(1)] [710.05]*

*3. Variance to allow the buffer trees along the Clark property (within a 5 foot buffer) to be planted at the sooner of 1) time of development of Tract 2 or 2) February 1, 2015.*

*4. Variance that all non-buffer trees shall be planted at the sooner of 1) time of development of Tract 2 or 2) February 1, 2015. Non buffer trees shall include 5 street frontage trees along Powder Springs Road, required parking lot trees, and any additional trees to meet site density requirements at the sooner of 1) time of development of Tract 2 or 2) February 1, 2015. [708.16(I)] [710.05]*

*5. The trees and the fence for Tract 1 and 2 shall be installed and completed within 60 days.*

*6. The outlet control structure for the detention pond shall be completed and/or repaired to meet the current design as shown or certified by an engineer that it meets those requirements, as approved by the Public Works Department.*

*7. The water quality control features shall be installed prior to installing the landscaping and fence for Tract 1 and 2*

**20100164****444 N. Fairground Street**

Motion to authorize the acquisition of property owned by Mr. Edward Marcus Ligon on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Removed**

**20100165            576 N. Fairground Street/642 Allgood Road**

Motion to authorize the acquisition of property owned by Transamerica International on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized****20100166            582 N. Fairground Street**

Motion to authorize the acquisition of property owned by Alvin G. Bloodworth on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized****20100168            525 Franklin Road**

Motion to authorize the acquisition of property owned by Hardee's Food Systems, Inc. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized**

**20100169      595 Franklin Road**

Motion to authorize the acquisition of property owned by Focus Seven, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**Approved and Finalized****\*      20100110      BLW Actions of February 8, 2010**

Review and approval of the February 8, 2010 actions and minutes of the Marietta Board of Lights and Water.

**Approved and Finalized****\*      20100174      Settlement Agreements -567 Roswell Street**

Motion to authorize the City Attorney to finalize settlement agreements with Brides by Gladys and Miracle Masterpiece (tenants in property known as 567 Roswell Street) in the amount of \$22,500.00 each and to authorize the City Attorney to execute any and all documents necessary to finalize the settlements.

**Approved and Finalized****\*      20100181      Marietta Redevelopment Corporation Contract Discussion.**

Motion to convert the employment status of the Executive Director of the Marietta Redevelopment Corporation from an employment contract to regular employee status as a department head and to provide notice of same to such employee.

**Approved and Finalized****\*      20100184      Property Acquisition - 619 North Fairground Street**

Motion authorizing acquisition of right of way and temporary construction easement at 619 North Fairground Street from Moreland Shopette, LLC for the purpose of Fairground Street Improvements in exchange for \$65,101 which includes compensation for removal of existing sign and construction of new monument style sign by Moreland Shopette, LLC meeting current City of Marietta ordinances.

**Approved and Finalized**